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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/897,257	07/02/2001	John T. Klein	AMT-1	9992

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ROBERTSON & MULLINAX, LLC  
PO BOX 26029  
GREENVILLE, SC 29616-1029

EXAMINER

MAGEE, CHRISTOPHER R

ART UNIT PAPER NUMBER

2653

DATE MAILED: 04/07/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/897,257

Applicant(s)

KLEIN, JOHN T.

Examiner

Christopher R. Magee

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-19 and 25-33 is/are allowed.
- 6) ☒ Claim(s) 20 and 22-24 is/are rejected.
- 7) ☒ Claim(s) 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because "O"-ring 60 is labeled as item number 80 in Figures 3, 4A, 4B and 5. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. Claim 20 is objected to because of the following informalities: "A groove defined by an exterior wall of the barbed head" as claimed is critical or essential to the practice of the invention, but is not included in the specification. "Notch 58 defines a circumferential groove on the exterior of tip 46" is included in the specification, on page 7, line 3. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.*

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3. Claims 20 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jensen et al. (hereinafter Jensen) (US 6,220,640 B1) in view of Koch (WO 99/26866).

- Regarding claim 20, 23 and 24, Jensen discloses an apparatus for the selective engagement and release of a center hub of an optical media disc comprising:

a pick 200 defining an axial passage therethrough, the pick having a first terminus 205 and second terminus (i.e., tip) 210 (Figure 3).

Jensen does not exemplify the second terminus (i.e., tip 210) defining a barbed head having a plurality of axially defined segments, each segment formed by a pair of slits extending substantially along the length of the barbed head and a groove defined by an exterior wall of the barbed head.

Koch shows a rosette 13 having engagement arms 14 molded to and extending upwardly from a base for centering a CD (i.e., a barbed head; Figure 4) and a groove defined by an exterior wall of the barbed head (pg. 4, lines 12-16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the tip of Jensen with a barbed head as taught by Koch.

The rationale is as follows: One of ordinary skill in the art at the time of the invention would have been motivated to provide the tip of Jensen with a barbed head as taught by Koch in order to supply an adequate force to the inner edge of the CD (Koch; pg. 3, lines 1-2) so that the CD can be grasped during the pick operation.

- Regarding claim 22, Jensen shows the axial passage is adapted for engaging a plunger defining a terminal head having a cross sectional area greater than the cross sectional area of a portion of the axial passage defined by the tip (Figure 6).

***Allowable Subject Matter***

4. Claim 21 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 1-19 and 25-33 are allowed.

6. The following is an examiner's statement of reasons for allowance:

This application is for OPTICAL MEDIA PICK AND PROCESS.

- **Claim 1** specifies an apparatus for engaging the center hub of an optical media disc which requires:

*"the tip defining a circular notch within an exterior surface of the tip"*

Jensen et al. (US 6,220,640 B1) disclose a circular tip 210 with slits (not numbered) as shown in Figure 9 but do not teach or suggest the tip defining a circular notch within an exterior surface of the tip as claimed in the present invention.

Therefore, these features, in combination with other features of claim 1, are not anticipated by, nor made obvious over, the closest prior art of record of Jensen '640.

- **Claim 10** specifies an apparatus for engaging the center hub of an optical media disc which requires:

*"a conical taper defined by the exterior wall of the tip, the tip further defining a plurality of slits, each of said slits extending a length of the tip and at least a portion of said stem, each slit in communication with the axial passage"*

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Jensen et al. (US 6,220,640 B1) disclose a circular tip 210 with slits (not numbered) as shown in Figure 9 but do not teach or suggest a conical taper defined by the exterior wall of the tip as claimed in the present invention.

Therefore, these features, in combination with other features of claim 10, are not anticipated by, nor made obvious over, the closest prior art of record of Jensen '640.

- **Claim 25** specifies an apparatus for engaging the center hub of an optical media disc which requires:

*“providing a pick having a hollow tip operatively engaged by an arm, the tip defining a plurality of segments, each segment being defined in part by a pair of spaced slits in communication with a cavity of the hollow tip”*

Jensen et al. (US 6,220,640 B1) disclose a circular tip 210 with slits (not numbered) as shown in Figure 9 but do not teach or suggest the tip defining a plurality of segments, each segment being defined in part by a pair of spaced slits in communication with a cavity of the hollow tip as claimed in the present invention.

Therefore, these features, in combination with other features of claim 25, are not anticipated by, nor made obvious over, the closest prior art of record of Jensen '640.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

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***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Magee whose telephone number is (703) 605-4256. The examiner can normally be reached on M-F, 8: 00 am-5: 30 pm.

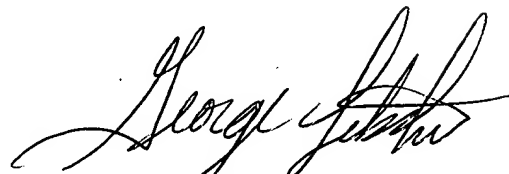
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Christopher R. Magee  
Patent Examiner  
Art Unit 2653

April 2, 2004



GEORGE J. LETSCHER  
PRIMARY EXAMINER